

Notice of Allowability

Application No.

09/646,599

Examiner

David Lukton

Applicant(s)

GODDARD ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/21/05.
2. ☒ The allowed claim(s) is/are 5-7, 28, 35-37, 58, 59, 62 and 63.
3. ☒ The drawings filed on 9/18/00 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11-24-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20050201
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Pursuant to the directives of the response filed 1/21/05, claims 5, 7, 35, 36 have been amended, claims 8, 43-57 cancelled, and claims 58-61 added. In accordance therewith, claims 5-7, 28, 35-37, 58-61 are pending. Pursuant also to the following Examiner's Amendment, claims 5-7, 28, 35-37, 58, 59, 62, 63 are allowable.



An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

- **Cancel** claims 60-61.
- In claim 5, on page 2 of the amendment filed 1/21/05, the following is recited in the second to last line (on page 2 of the amendment):
“an integer from 2 to about 10”.

Within this phrase, **delete** “about”.

- In claim 5, on page 2 of the amendment filed 1/21/05, the following is recited in the last two lines (on page 2 of the amendment):
“an integer from 0 to about 10”.

Within this phrase, **delete** “about”.

- **Add** the following claims:

62. A method of inhibiting apoptosis of cells present within an organ that has been removed from a donor comprising contacting said organ with a compound according to claim 5.

63. A method of inhibiting apoptosis of cells present within an organ of a donor comprising administering to said donor at least one intravenous bolus of an effective amount of a compound according to claim 5

Authorization for this Examiner's Amendment was given in a telephone conversation with Robert Travers on 2/18/05.

.

In addition to the foregoing, on page 1 of the specification, on the line of text following the title, insert the following:

- - This application is a 371 of PCT/US99/05943, filed 03/17/1999, which claims priority to provisional application 60/078375, filed 03/18/1998. - -

◇

Serial No. 09/646,599
Art Unit 1653

-4-

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber, can be reached at 571-272-0925. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

D. Lukton

DAVID LUKTON
PATENT EXAMINER
GROUP 1800